

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
AT CENTRAL ISLIP

-----X  
In re:

Chapter 7  
Case #: 8-13-74235-dte

JUSTIN WEEKS

Debtor.

-----X  
ROBERT FIORITO,

Adv. Pro #: 8-13-08164-dte

Plaintiff,

-against-

JUSTIN WEEKS,

Defendant.

-----X

NOTICE OF SETTLEMENT OF ORDER

PLEASE TAKE NOTICE, that an Order for default judgment pursuant to Federal Rule of Bankruptcy Procedure (the "Bankruptcy Rules") 7055 (the "Order"), a true copy of which is annexed hereto, will be presented for signature on February 4th, 2014, at 12:00 noon, to the Honorable Dorothy T. Eisenberg, United States Bankruptcy Judge, United States Bankruptcy Court, Eastern District of New York at Central Islip, 290 Federal Plaza, Central Islip, New York 11722

PLEASE TAKE FURTHER NOTICE, that objections to the Order, if any, must be (I) electronically filed with the Bankruptcy Court; (II) delivered to Judge Eisenberg's Chambers; and (III) served upon SEIDNER, ROSENFELD & GUTTENTAG, LLP., Attn: Larry Rosenfeld, Esq., no later than January 31st, 2014 at 12:00 noon at 403 Deer Park Avenue, Babylon, New York 11702, or the Court may enter the Order without further notice or hearing.

Dated: Central Islip, New York  
January 27th, 2014

SEIDNER, ROSENFELD & GUTTENTAG, LLP.  
Attorneys for plaintiff

By: 

LARRY ROSENFELD  
A member of the firm  
403 Deer Park Avenue  
Babylon, New York 11702  
(631) 661-5000

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In re:

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Case #: 8-13-74235-dte

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ROBERT FIORITO,

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Plaintiff,

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**ORDER FOR DEFAULT JUDGMENT**  
**AGAINST DEFENDANT JUSTIN WEEKS**

Upon the motion, dated September 3<sup>rd</sup>, 2013 (the "Motion"), of Larry Rosenfeld, Esq., the attorney for plaintiff, Robert Fiorito, having appeared by his counsel, Larry Rosenfeld, Esq. of Seidner, Rosenfeld & Guttentag, LLP., at the hearing, dated November 14<sup>th</sup>, 2013 (the "Hearing"), seeking default judgment against the defendant, Justin Weeks (the "Defendant"); and upon the failure of Defendant to respond to the Complaint, answer the complaint or to appear at the Hearing; and Plaintiff being entitled to judgment against Defendant; and a Default

having been noted by this Court (see attached) and Entered on November 14<sup>th</sup>, 2013 and Defendant is neither an infant nor incompetent of a member of the military; and further notice being neither necessary nor required; and Robert Fiorito, the plaintiff, having commenced this adversary proceeding seeking judgment against the Defendant deeming his claim as more particularly set forth in the Plaintiff's complaint dated September 18<sup>th</sup>, 2013 to be nondischargeable under 11 U.S.C. § 523(a)(6) and the plaintiff caused proper service of the summons and complaint to be made upon the Debtor (pro se), and the Debtor has defaulted in answering Plaintiff's Complaint and the default was noted on the record, and the Court has read the Plaintiff's affirmation dated September 18<sup>th</sup>, 2013 and it is satisfied that a prim a facie showing has been made that the debtor willfully and maliciously injured the plaintiff; and it is further

**ORDERED**, that Plaintiff's judgment of February 8<sup>th</sup>, 2012 and entered February 16<sup>th</sup>, 2012 in the Supreme Court of the State of New York, County of Suffolk (Index Number: 17655/10) of \$54,978.18 plus interest and costs is deemed to be nondischargeable under 11 U.S.C. § 523(a)(6) and it is further

**ORDERED**, that judgment is granted in Plaintiff's favor, with an address at Seidner, Rosenfeld & Guttentag, LLP., 403 Deer Park Avenue, Babylon, New York 11702, and against Defendant, with an address at 569 Everdell Avenue, West Islip, New York 11795, in the amount of \$54,978.18, plus interest from February 8<sup>th</sup>, 2012, the date of the original judgment, in the Supreme Court, County of Suffolk, State of New York, and it is further

**ORDERED**, that Plaintiff has execution thereon; and it is further

**ORDERED**, that Plaintiff has all of the rights and remedies afforded to a judgment creditor by law; and it is further

**ORDERED**, that Plaintiff may enforce this judgment against Defendant, as allowed by applicable law.

Dated: Central Islip, New York

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DOROTHY E. EISENBERG  
U.S. Bankruptcy Judge

**U.S. Bankruptcy Court**  
**Eastern District of New York (Central Islip)**  
**Adversary Proceeding #: 8-13-08164-dte**

*Assigned to:* Dorothy Eisenberg

*Date Filed:* 10/10/13

*Lead BK Case:* 13-74235

*Lead BK Title:* Justin Weeks

*Lead BK Chapter:* 7

*Demand:* \$54000

*Nature[s] of Suit:* 68 Dischargeability - 523(a)(6), willful and malicious injury

***Plaintiff***

**Robert Fiorito**

represented by **Larry Rosenfeld**

Seidner Rosenfeld & Guttentag  
 403 Deer Park Avenue  
 Babylon, NY 11702  
 631-661-5000  
 Email: [Lawyerlarr@aol.com](mailto:Lawyerlarr@aol.com)  
**LEAD ATTORNEY**

V.

***Defendant***

**Justin Weeks**

569 Everdell Avenue  
 West Islip, NY 11795  
 SSN / ITIN: xxx-xx-7676

represented by **Justin Weeks**  
**PRO SE**

Filing Date	#	Docket Text
11/14/2013		Hearing Held; Appearance by Larry Rosenfeld(related document(s): <u>1</u> Complaint filed by Robert Fiorito) DEFAULT NOTED; MOTION TO BE FILED. (cmoffett) (Entered: 11/14/2013)
11/08/2013	<u>4</u> (9 pgs)	Summons Served on Justin Weeks 11/7/2013 and these additional parties: Trustee Robert L. Pryor . (dnb) (Entered: 11/08/2013)

10/10/2013		Receipt of Adversary Filing Fee - \$293.00. Receipt Number 00241661. (SW) (admin) (Entered: 10/10/2013)
10/10/2013	<u>3</u> (3 pgs)	Standing Pre-Trial Conference Order and Instructions. Signed on 10/10/2013 Preliminary Pre-Conference Statement due by 11/7/2013. (ssw) (Entered: 10/10/2013)
10/10/2013	<u>2</u> (1 pg)	Summons and Notice of Pre-Trial Conference issued by Clerk's Office against Justin Weeks Answer Due: 11/12/2013. Pre-Trial Conference set for 11/14/2013 at 02:00 PM at Courtroom 760 (Judge Eisenberg), CI, NY. (ssw) (Entered: 10/10/2013)
10/10/2013	<u>1</u> (14 pgs; 2 docs)	Adversary case 8-13-08164. Complaint by Robert Fiorito against Justin Weeks. Fee Amount \$293. Nature(s) of Suit: (68 (Dischargeability - 523(a)(6), willful and malicious injury)). (Attachments: # <u>1</u> Adversary Cover Sheet) (ssw) (Entered: 10/10/2013)

PACER Service Center			
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12/09/2013 12:07:27			
<b>PACER Login:</b>	sr1595	<b>Client Code:</b>	1
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	8-13-08164-dte Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Headers: included Format: html Page counts for documents: included
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10